

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Basil Morales,

Case No. 3:10 CV 1541

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Ohio State Attorney General,

Defendant.

On July 12, 2010, *pro se* Plaintiff Basil Morales brought this action against the Ohio Attorney General under 42 U.S.C. § 1983. The Complaint alleges grounds for reversal of his criminal conviction (Doc. No. 1). Plaintiff's previous similar action was dismissed. *Morales v. State of Ohio*, Case No. 3:09 CV 2222.

A district court is expressly authorized to dismiss any civil action filed by a prisoner seeking relief from a governmental entity as soon as practicable after docketing if the court concludes that the complaint fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915A.

Plaintiff is essentially challenging the validity of his state conviction and its effect on the duration of his present confinement. When a prisoner challenges "the very fact or duration of his physical imprisonment, . . . his sole federal remedy is a writ of habeas corpus." *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973).

Accordingly, this action is dismissed under 28 U.S.C. § 1915A. Further, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

September 13, 2010